



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

**PETITION OF INDIANA 211 PARTNERSHIP,)
INC. TO BE RECOGNIZED AND ENDORSED)
AS THE PROPER ADMINISTRATOR AND)
SOLE AUTHORIZED USER IN INDIANA)
OF THE 211 DIALING CODE IN ORDER TO)
IMPLEMENT A STATEWIDE, NON-)
COMMERCIAL INFORMATION AND)
REFERRAL SYSTEM PROVIDING ACCESS)
TO HUMAN SERVICE PROVIDERS AND TO)
BE GRANTED CERTAIN OTHER RELIEF)
FURTHERING SUCH PURPOSE.)**

CAUSE NO. 42098

FILED

AUG 08 2003

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On July 1, 2003, Indiana Bell Telephone Company, Incorporated ("SBC Indiana") filed its "Motion of SBC Indiana for Protection of Confidential and Proprietary Information" ("Motion") with attached Exhibit A, Verified Statement of Kathy E. Tell ("Verified Statement"). SBC Indiana's Motion seeks a finding that cost study and work papers associated with SBC Indiana's 211 Service are confidential, proprietary, competitively sensitive and/or a trade secret and therefore exempt from public disclosure pursuant to 170 IAC § 1-1.1-4 and Ind. Code § 8-1-2-29. The Motion and Verified Statement read in the following words and figures, to-wit:

[H.I.]

The Motion seeks protection of confidential cost study information and work papers to be filed pursuant to a Docket Entry dated May 30, 2003 ("Confidential Information"). The Motion and Verified Statement show that the information (i) is such that it may derive actual and potential independent economic value from being neither generally known to, nor readily ascertainable by, persons who could obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. If disclosed to SBC Indiana's competitors or otherwise made publicly available, the Confidential Information would have a substantially detrimental effect on SBC Indiana.

The protection of cost studies and related cost information from public disclosure is consistent with Commission practice. E.g. *Investigation into Matters Relating to Access Charge Reform and Universal Service Reform*, Cause No. 40785, p. 18 (IURC 4/23/98) this Commission has declared certain information relating to company inputs to the BCPM model, and resulting outputs, to be confidential.")' *Investigation and Generic Proceedings on Ameritech Indiana's*

Wholesale Rates, Cause No. 41055, April 27, 1998 Docket Entry (cost study information filed under seal by Ameritech Indiana is “confidential, proprietary, competitively sensitive and trade secret within the meaning of I.C. 5-14-3-4(a) as defined by I.C. 24-2-3-2 and therefore excepted from disclosure under I.C. 8-1-2-29.”)

Based on the description of the Confidential Information in SBC Indiana’s Motion and Verified Statement, the presiding officer below preliminarily finds the Confidential Information to be confidential, proprietary, competitively sensitive, and/or a trade secret within the meaning of 170 IAC § 1-1.1-4 and Ind. Code § 5-14-3-4(a) as defined by Ind. Code § 24-2-3-2. Consequently, the Confidential Information shall be preliminarily exempt from public disclosure under Ind. Code § 8-1-2-29.

The presiding Administrative Law Judge, having reviewed the information contained in SBC Indiana’s Motion now finds that there is a sufficient basis for a preliminary finding that confidential procedures are appropriate and should be followed concerning the Confidential Information to be submitted by SBC Indiana. Accordingly, SBC Indiana should *hand deliver* to the presiding Administrative Law Judge the Confidential Information, under seal and marked as confidential, and such information shall be treated as confidential on a preliminary basis, in accordance with I.C. § 5-14-3-4. In the event the Presiding Officers make a final determination that the material submitted under seal shall not be protected from public disclosure, SBC Indiana shall be given the opportunity to retrieve the Confidential Information before it can be disclosed to any members of the public.

On July 14, 2003, Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems (collectively referred to as “Verizon”) filed its “Verified Petition For Protection Of Confidential And Proprietary Information” (“Motion”) which was verified by Kathy A. Adams. Verizon’s Motion seeks a finding that cost study and work papers associated with Verizon’s 211 Service are confidential, proprietary, competitively sensitive and/or a trade secret and therefore exempt from public disclosure pursuant to 170 IAC § 1-1.1-4 and Ind. Code § 8-1-2-29. The Motion and accompanying verification read in the following words and figures, to-wit:

[H.1.]

The Motion seeks protection of confidential cost study information and work papers to be filed pursuant to a Docket Entry dated May 30, 2003 (“Confidential Information”). The Motion and Verified Statement show that the information (i) is such that it may derive actual and potential independent economic value from being neither generally known to, nor readily ascertainable by, persons who could obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. If disclosed to Verizon’s competitors or otherwise made publicly available, the Confidential Information would have a substantially detrimental effect on Verizon.

The protection of cost studies and related cost information from public disclosure is consistent with Commission practice. E.g. *Investigation into Matters Relating to Access Charge Reform and Universal Service Reform*, Cause No. 40785, p. 18 (IURC 4/23/98) this Commission has declared certain information relating to company inputs to the BCPM model, and resulting

outputs, to be confidential.”)’ *Investigation and Generic Proceedings on Ameritech Indiana’s Wholesale Rates*, Cause No. 41055, April 27, 1998 Docket Entry (cost study information filed under seal by Ameritech Indiana is “confidential, proprietary, competitively sensitive and trade secret within the meaning of I.C. 5-14-3-4(a) as defined by I.C. 24-2-3-2 and therefore excepted from disclosure under I.C. 8-1-2-29.”)

Based on the description of the Confidential Information in Verizon’s Motion and accompanying verification, the presiding officer below preliminarily finds the Confidential Information to be confidential, proprietary, competitively sensitive, and/or a trade secret within the meaning of 170 IAC § 1-1.1-4 and Ind. Code § 5-14-3-4(a) as defined by Ind. Code § 24-2-3-2. Consequently, the Confidential Information shall be preliminarily exempt from public disclosure under Ind. Code § 8-1-2-29.


The presiding Administrative Law Judge, having reviewed the information contained in Verizon’s Motion now finds that there is a sufficient basis for a preliminary finding that confidential procedures are appropriate and should be followed concerning the Confidential Information to be submitted by Verizon. Accordingly, Verizon should *hand deliver* to the presiding Administrative Law Judge the Confidential Information, under seal and marked as confidential, and such information shall be treated as confidential on a preliminary basis, in accordance with I.C. § 5-14-3-4. In the event the Presiding Officers make a final determination that the material submitted under seal shall not be protected from public disclosure, Verizon shall be given the opportunity to retrieve the Confidential Information before it can be disclosed to any members of the public.

IT IS SO ORDERED.



Gregory S. Colton, Administrative Law Judge

Dated 8-8-03_____



Paula Barnett,
Acting Secretary to the Commission